

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested. Claim 9 has been amended only to place this claim in a condition for allowance, as acknowledged by the Examiner. Claims 7-8 and 11 have been cancelled. Claims 1-6 and 9-10 are pending and under consideration. This amendment is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding.

Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because the amendment does not alter the scope of the claims and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

I. Rejections under 35 U.S.C. § 102

In the Office Action, at page 2, claims 7-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Tomura et al. (U.S. Patent No. 5,256,955).

Claims 7-8 have been cancelled. Accordingly, withdrawal of this § 102(b) rejection is respectfully requested.

II. Rejections under 35 U.S.C. § 103

In the Office Action, at pages 2-3, claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomura et al.

Claim 11 has been cancelled. Accordingly, withdrawal of this § 103(a) rejection is respectfully requested.

III. Allowable subject matter

In the Office Action, at pages 4-5, claims 9-10 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Claim 9 has been rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Thus, it is submitted that claim 9 is in a condition suitable for allowance.

Claim 10 depends directly from claim 9, which has been rewritten to be allowable, as discussed above. Thus, it is submitted that claim 10 is in a condition suitable for allowance.

Applicants appreciate the Examiner's indication that claims 1-6 are allowed.

CONCLUSION


There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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